

REMARKS

Claims 1-31 are pending. Claims 1-31 are rejected.

Claims 1-31 stand rejected under 35 U.S.C. § 103(a) as being obvious over Ellis in view of Ludvig. Applicants respectfully traverse the rejection for at least the reasons as set forth below.

Although it is believed that claims 1-31 recite patentable subject matter, Applicants have amended the independent claims 1, 11 and 21 to expedite prosecution and/or to clarify the subject matter therein.

As amended, claim 1 recites “communicating between a first location and a web server of a non-broadcast channel provider; selecting said media offered by the non-broadcast channel provider; generating a request from said first location to receive, at a second location that is remote to the first location, said media provided by said non-broadcast channel provider; sending the generated request to a media exchange server via the communication network that comprises Internet infrastructure, the media exchange server providing device IP registration and digital rights management; providing payment information and authorization information to said non-broadcast channel provider which provides said payment information and said authorization information to said media exchange server via the Internet infrastructure; and receiving, at the second location, said media from a storage location other than said non-broadcast channel provider, the media exchange server arranging for the storage location to push said media to said second location, the media exchange server serving as a proxy between the first location, the non-broadcast channel provider and the storage location, wherein said non-broadcast channel provider is unaware of the destination of said media.”

As amended, claim 11 recites “setting up communications between a first location and a web server of a non-broadcast channel provider over the communication network; selecting said media offered by the non-broadcast channel provider; generating a request from the first location to receive, at a second location that is remote to the first location, said media from said non-broadcast channel provider; sending the generated request to a media exchange server via the communication

network that comprises Internet infrastructure, wherein the media exchange server provides device IP registration and digital rights management; and providing payment information and authorization information to said web server of said non-broadcast channel provider which provides said payment information and said authorization information to said media exchange server via the communication network, wherein said request, said payment information and said authorization information received by said media exchange server cause the media exchange server to push said media from a storage location to said second location, wherein said media exchange server serves as a proxy between the first location, the non-broadcast channel provider and the storage location such that said non-broadcast channel provider is unaware of the destination of said media.”

As amended, claim 21 recites “at least one processor that provides communications between a first location and a web server of a non-broadcast channel provider over the communication network; said at least one processor selects said media offered by the non-broadcast channel provider; said at least one processor generates a request from the first location to receive, at a second location that is remote to the first location, said media from a non-broadcast channel provider; said at least one processor sends the generated request to a media exchange server via the communication network that comprises Internet infrastructure, wherein the media exchange server provides device IP registration and digital rights management; and said at least one processor provides payment information and authorization information to said web server of said non-broadcast channel provider which provides said payment information and said authorization information to said media exchange server via the communication network, wherein said request, said payment information and said authorization information received by said media exchange server cause the media exchange server to push said media from a storage location to said second location, wherein said media exchange server serves as a proxy between the first location, the non-broadcast channel provider and the storage location such that said non-broadcast channel provider is unaware of the destination of said media.”

In view of at least the amendments herein, it is respectfully submitted that the combination

of Ellis and Ludvig, as asserted, does not teach each and every element as set forth in claims 1-31.

It is respectfully submitted that claims 1-34 are in condition for allowance.

Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

Applicants respectfully reserve the right to pursue, without prejudice, subject matter (e.g., subject matter recited in one or more claims) that has been amended, cancelled and/or withdrawn in a continuing and/or related application.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: September 14, 2009

Respectfully submitted,

U.S. Application No. 10/675,385, filed September 30, 2003
Attorney Docket No. 15013US02
Amendment dated September 14, 2009
In Response to Office Action mailed April 13, 2009

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